

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS A. O'LEARY,

Plaintiff,

vs.

SMITH'S FOOD AND DRUG CENTERS,
INC.,

Defendant.

Case No.: 2:18-cv-2150-GMN-VCF

ORDER

Pending before the Court is the Report and Recommendation ("R&R") of United States Magistrate Judge Cam Ferenbach, (ECF No. 17), which states that Plaintiff's Motion to Amend Complaint, (ECF No. 14), should be granted and the case remanded to State Court. Also pending before the Court is Plaintiff's Motion to Remand to State Court, (ECF No. 6), to which Defendant filed a Response, (ECF No. 8), and Plaintiff filed a Reply, (ECF No. 11).

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See, e.g., United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

1 Here, no party filed an objection to Judge Ferenbach's R&R, and the deadline to do so
2 has passed. (*See* Min. Order, ECF No. 17) (setting a March 11, 2019 deadline for objections).
3 Further, Plaintiff's Motion to Remand seeks the same relief provided by Judge Ferenbach's
4 R&R.

5 Accordingly,


6 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 17), is
7 **ADOPTED** in full.

8 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Remand to State Court, (ECF
9 No. 6), is **DENIED** as moot.

10 **IT IS FURTHER ORDERED** that this case is **REMANDED** to the **Eighth Judicial**
11 **District Court of Clark County, Nevada.**

12 The Clerk of Court is instructed to close the case.

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14 **DATED** this 14 day of March, 2019.

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18 Gloria M. Navarro, Chief Judge
19 United States District Court
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